

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LINDA THORNTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:07-cv-712-WKW
	)	
FLAVOR HOUSE PRODUCTS,	)	
INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The court has before it Plaintiff's Motion to Strike Brief in Support of Defendants' Motions for Summary Judgment (Doc. # 74). Plaintiff requests that the court strike Defendant Flavor House Products, Inc.'s brief in support of its motion for summary judgment (Doc. # 71) on which Defendant Franklin D. Williams also relies in support of his Motion for Summary Judgment (Doc. # 68). (Doc. # 74 ¶ 7.) Plaintiff's request is based on Defendants' alleged failure to seek leave from the court to file a brief longer than twenty-five pages or to vary from the Briefing Order's (Doc. # 22) formatting requirements. (Doc. # 74 ¶¶ 5-6.)

The parties are under no obligation to request leave to submit briefs longer than twenty-five pages. The Briefing Order states only that briefs "generally should not exceed 25 pages." (Doc. # 22 ¶ 5.) The Briefing Order does require, however, that for briefs in excess of twenty-five pages, counsel "must include a table of contents indicating the main sections of the brief, the principal arguments and citations to authority made in each section,

and the pages on which each section and any sub-section may be found.” (Doc. # 22 ¶ 5.) Plaintiff notes that Defendant’s brief lacks a table of contents. (Doc. # 74 ¶ 5.) Defendants’ brief supporting summary judgment does not include the Briefing Order’s requested items and thus, fails to comply with the Briefing Order.

Therefore, it is ORDERED that Plaintiff’s motion to strike (Doc. # 74) is GRANTED and that Defendants’ Brief in Support of Defendant Flavor House Products, Inc.’s Motion for Summary Judgment (Doc. # 71) is STRICKEN. Defendants are GRANTED leave to amend the filing **on or before August 29, 2008**, to comply with the Briefing Order (Doc. # 22).

Plaintiff also requests an enlargement of the page limitation to avoid prejudice to her ability to respond to the submission of Defendants. (Doc. # 74 ¶ 7.) Because there is no page limitation, that request is DENIED.

All deadlines in the Briefing Order (Doc. # 22) remain unchanged.

DONE this 26th day of August 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE